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BAKER & MILLER PLLC

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ROBERT A. WIMBISH



(202) 663-7824 (Direct Dial)
E-Mail rwimbish@bakermiller.com

February 13, 2013

BY HAND DELIVERY

Cynthia T. Brown, Chief
Section of Administration, Office of Proceedings
Surface Transportation Board
395 E Street, SW
Washington DC 20423-0001

233800
233801

RECEIVED

FEB 13 2013

**SURFACE
TRANSPORTATION BOARD**

Re. *The Alabama Great Southern Railroad Company – Abandonment Exemption - In Gadsden, Etowah County, Alabama, STB Docket No. AB-290 (Sub-No. 335X); and Tennessee, Alabama and Georgia Railway Company– Abandonment Exemption – In Gadsden, Etowah County, Alabama, STB Docket No. AB-290 (Sub-No. 340X)*

Dear Ms. Brown.

Pursuant to the Board's abandonment class exemption procedures for lines with no local business for at least two years (49 C.F.R. part 1152, subpart F), enclosed are an original and 11 copies of jointly-filed verified abandonment notice of exemption for the abandonment of interconnecting rail lines owned by the following Norfolk Southern Railway Company subsidiaries. The Alabama Great Southern Railroad Company, and Tennessee, Alabama, and Georgia Railway Company

A check in the amount of \$7,400.00 is enclosed to cover the applicable filing fees. Please acknowledge receipt and filing of the joint notice of exemption by date stamping the enclosed eleventh copy and returning it to the courier to return to me.

FILED

FEB 13 2013

**SURFACE
TRANSPORTATION BOARD**

Sincerely,

Robert A. Wimbish

Attorney for The Alabama Great Southern
Railroad Company, and Tennessee, Alabama
and Georgia Railway Company

Enclosures

cc. Maquiling Parkerson, Marc Kirchner

BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC

STB Docket No. AB-290 (Sub-No. 335X)

THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY
- ABANDONMENT EXEMPTION -
IN GADSDEN, ETOWAH COUNTY, ALABAMA

STB Docket No. AB-290 (Sub-No. 340X)

TENNESSEE, ALABAMA AND GEORGIA RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN GADSDEN, ETOWAH COUNTY, ALABAMA

JOINT VERIFIED NOTICE OF EXEMPT ABANDONMENT



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TRANSPORTATION BOARD

Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7824
Fax: (202) 663-7849

Attorney for The Alabama Great Southern
Railroad Company, and Tennessee, Alabama
and Georgia Railway Company

February 13, 2013

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 335X)

**THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY
– ABANDONMENT EXEMPTION –
IN GADSDEN, ETOWAH COUNTY, ALABAMA**

STB Docket No. AB-290 (Sub-No. 340X)

**TENNESSEE, ALABAMA AND GEORGIA RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN GADSDEN, ETOWAH COUNTY, ALABAMA**

JOINT VERIFIED NOTICE OF EXEMPT ABANDONMENT

The Alabama Great Southern Railroad Company ("AGS"), and Tennessee, Alabama, and Georgia Railway Company ("TAG") – both wholly-owned railroad subsidiaries of Norfolk Southern Railway Company ("NSR") – hereby jointly submit a verified notice of exemption pursuant to 49 C.F.R. part 1152, subpart I (Exempt Abandonments and Discontinuances of Service and Trackage Rights) to abandon approximately 4.25 miles of interconnected rail line located in Gadsden, Etowah County, Alabama. Specifically, AGS will abandon approximately 3.10 miles of rail line (the "AGS Segment") extending between milepost 2.40 AG (near Cabot Ave. in Gadsden) and milepost 5.50 AG (near the intersection of River and Coosa Streets in Gadsden), and TAG will abandon approximately 1.15 miles of rail line (the "TAG Segment") extending between milepost TA 90.30 (located between the north end of Brookside Drive and

Owls Hollow Road in Gadsden) and milepost TA 91.45 (at the TAG Segment's connection with the AGS Segment west of N 5th Street in Gadsden).¹

In accordance with the requirements of 49 C.F.R. §§ 1152.50(b) and (d), AGS and TAG provide the following information in support of this abandonment notice

Certification: 49 C.F.R. § 1152.50(b)

AGS and TAG certify that the Line satisfies the criteria for abandonment under the exemption provisions at 49 C.F.R. part 1152, subpart F. See Certification of R.A. Bartle, General Manager Western Region for Norfolk Southern Railway Company, attached hereto as Exhibit A. During the past two years, there has been no local or overhead common carrier service provided over the Line, nor have there been any requests for common carrier service

Proposed Consummation Date: 49 C.F.R. § 1152.50(d)(2)

The abandonment will be consummated on or after April 4, 2013 (50 days after the filing of the notice of exemption)

Additional Information Required: 49 C.F.R. §§ 1152.22(a)(1)-(4), (7)-(8) and (c)(4)

Exact name of applicants (49 C.F.R. § 1152.22(a)(1)).

The Alabama Great Southern Railroad Company

Tennessee, Alabama, and Georgia Railway Company

Whether applicants are common carriers by railroad (49 C.F.R. § 1152.22(a)(2)):

Both AGS and TAG are common carriers by railroad subject to the Board's jurisdiction under 49 U.S.C. Subtitle IV

¹ Collectively, the AGS Segment and the TAG Segment will be referred to herein as the "Line."

Relief sought (49 C.F.R. § 1152.22(a)(3)):

Pursuant to this notice of exemption, AGS will abandon the approximately 3.10-mile AGS Segment extending between milepost 2.40 AG (near Cabot Ave. in Gadsden) and milepost 5.50 AG (near the intersection of River and Coosa Streets in Gadsden), and TAG will abandon the approximately 1.15-mile TAG Segment extending between milepost TA 90 30 (located between the north end of Brookside Drive and Owls Hollow Road in Gadsden) and milepost TA 91 45 (at the TAG Segment's connection with the AGS Segment west of N 5th Street in Gadsden). Collectively, AGS and TAG seek to abandon roughly 4.25 miles of rail line located in Gadsden, Etowah County, Alabama.

Map (49 C.F.R. § 1152.22(a)(4)).

A detailed map showing the location of the Line is attached hereto as Exhibit B

Applicant's representative (49 C.F.R. § 1152.22(a)(7)):

The representative of AGS and TAG to whom correspondence regarding this abandonment and discontinuance of service proceeding should be sent is as follows:

Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW, Suite 300
Washington, DC 20037
Tel (202) 663-7824
Fax: (202) 663-7849

USPS ZIP codes (49 C.F.R. § 1152.22(a)(8)).

The Line traverses United States Postal Zip Code territory 35901 and 35904.

Suitability of the Line for Other Public Purposes (49 C.F.R. § 1152.22(c)(4))

AGS and TAG have no opinion as to whether or not the Line and its right-of-way would be suited for other public purposes. AGS and TAG are unaware of any plans targeting any or all of the subject right-of-way for such purposes. The Line does not contain federally-granted right-

of-way. As appropriate, AGS and TAG are willing promptly to make available any information in its possession to anyone so requesting it.

Labor Protection

Because the Line has been out of service for over two years, it is unlikely that any railroad employees will be adversely affected by exercise of abandonment and discontinuance authority. However, as a condition to exercise of the authority permitted in this matter, AGS and TAG will accept the imposition of standard labor protective conditions as set forth in Oregon Short Line R. Co – Abandonment – Goshen, 360 I.C.C. 91 (1979)

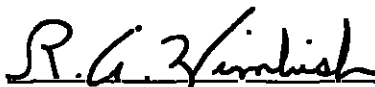
Certifications

Attached hereto as Exhibit C are Certificates of Service and Publication certifying that AGS and TAG have complied with the advance notice and newspaper publication requirements set forth at 49 C.F.R. § 1152.50(d)(1) and 49 C.F.R. § 1105.12, respectively. Attached as Exhibit D is a certification of compliance with the advance notice requirements for Environmental and Historic Reports as set forth at 49 C.F.R. § 1105.11

Environmental and Historic Report

As is reflected in its certification of compliance with the provisions of 49 C.F.R. § 1105.11 (Exhibit D), AGS and TAG have prepared a consolidated Environmental and Historic Report ("E&HR") for the Line, which conforms to the requirements of 49 C.F.R. §§ 1105.7 and 1105.8. A copy of that E&HR is attached hereto as Attachment 1 to Exhibit D (§ 1105.11 certification).

Respectfully submitted,



Robert A. Wimbish
BAKER & MILLER PLLC
2401 Pennsylvania Ave., NW
Suite 300
Washington, DC 20037
Tel: (202) 663-7824
Fax: (202) 663-7849

Attorney for The Alabama Great Southern
Railroad Company, and Tennessee,
Alabama, and Georgia Railway Company

February 13, 2013

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 335X)

**THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY
- ABANDONMENT EXEMPTION -
IN GADSDEN, ETOWAH COUNTY, ALABAMA**

STB Docket No. AB-290 (Sub-No. 340X)

**TENNESSEE, ALABAMA AND GEORGIA RAILWAY COMPANY
- ABANDONMENT EXEMPTION -
IN GADSDEN, ETOWAH COUNTY, ALABAMA**


JOINT VERIFIED NOTICE OF EXEMPT ABANDONMENT

VERIFICATION

Verification

I, John Friedmann, Vice President for Norfolk Southern Railway Company, parent company of The Alabama Great Southern Railroad Company ("AGS") and Tennessee, Alabama, and Georgia Railway Company ("TAG"), hereby verify under penalty of perjury that to the best of my knowledge the foregoing abandonment notice of exemption is true and correct. Further, I certify that I am qualified and authorized to make such verification on behalf of NSR in connection with this proceeding before the Surface Transportation Board.

Executed this 10th day of December, 2012.

A handwritten signature in black ink, appearing to read 'JH Friedmann', is written over a horizontal line.

John H. Friedmann
Vice President

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 335X)

**THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY
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**TENNESSEE, ALABAMA AND GEORGIA RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN GADSDEN, ETOWAH COUNTY, ALABAMA**

JOINT VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT A

CERTIFICATION

CERTIFICATION

STATE OF GEORGIA:

ss.

CITY OF ATLANTA:

R. A Bartle makes oath and says that he is General Manager Western Region for Norfolk Southern Railway Company; that the rail line between Mileposts 2 40 AG and 5.50 AG, and between mileposts TA 90.30 and TA 91.45, over which service is to be abandoned, is subject to his supervision and direction, that no local traffic has moved over the line for at least two years, that no overhead traffic has moved over the line for at least two years and that overhead traffic, if there were any, could be rerouted over other lines; and that no formal complaint filed by a user of rail service on the line or a state or local government entity acting on behalf of such user regarding cessation of service over the line either is pending before the Surface Transportation Board or any U. S. District Court or has been decided in favor of the complainant within the two-year period.


R A Bartle

Subscribed and sworn to before me
this 12th day of November, 2012.


Notary Public

My commission expires:

4/20/15

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 335X)

**THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY
– ABANDONMENT EXEMPTION –
IN GADSDEN, ETOWAH COUNTY, ALABAMA**

STB Docket No. AB-290 (Sub-No. 340X)

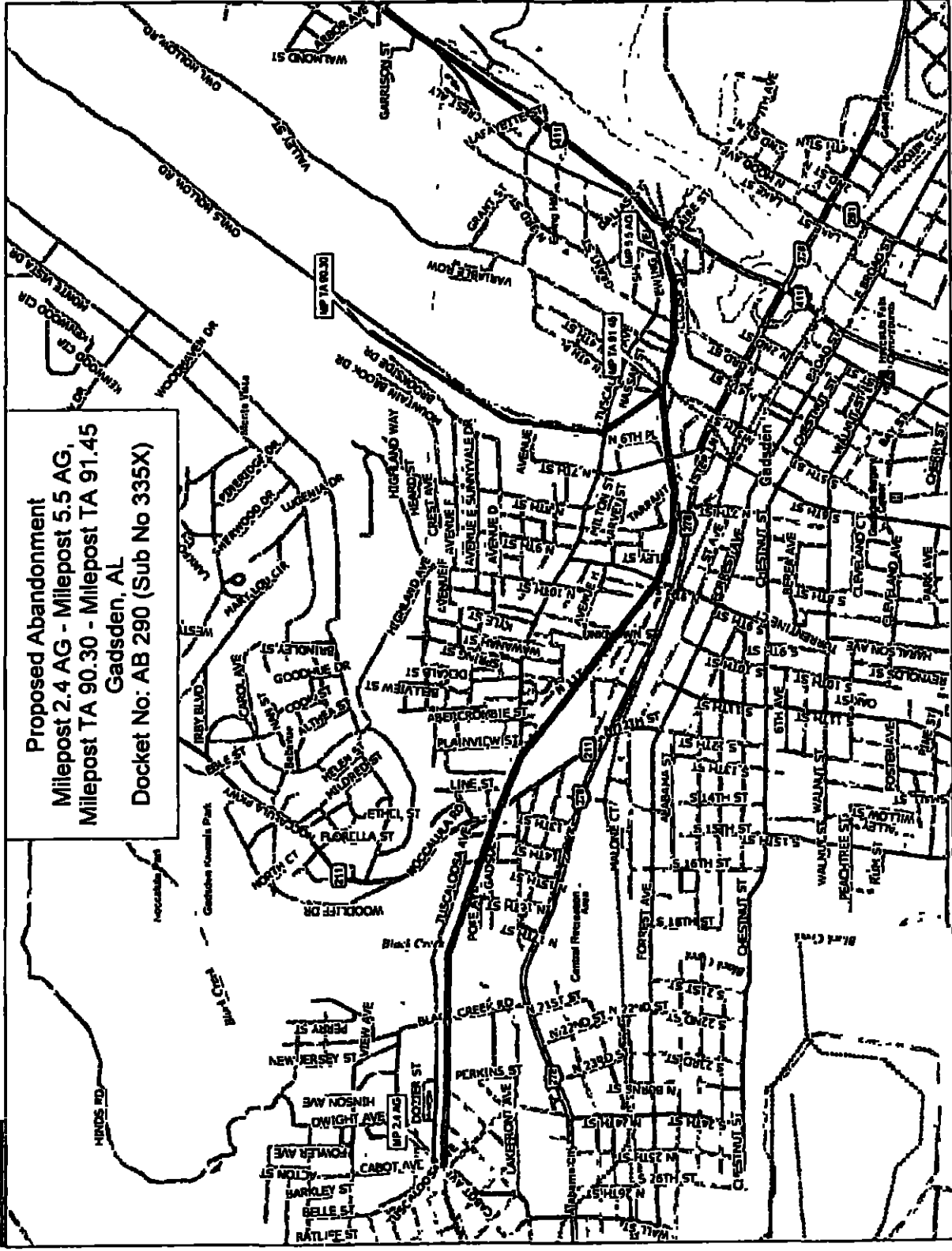
**TENNESSEE, ALABAMA AND GEORGIA RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN GADSDEN, ETOWAH COUNTY, ALABAMA**

JOINT VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT B

MAP

Proposed Abandonment
Milepost 2.4 AG - Milepost 5.5 AG,
Milepost TA 90.30 - Milepost TA 91.45
Gadsden, AL
Docket No: AB 290 (Sub No 335X)



**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 335X)

**THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY
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- ABANDONMENT EXEMPTION -
IN GADSDEN, ETOWAH COUNTY, ALABAMA**

JOINT VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT C

**CERTIFICATIONS OF
SERVICE/PUBLICATION**

Certificate of Service of Advance Notice

49 C.F.R. § 1152.50(d)(1) – Notice

I certify that, on January 29, 2013, in keeping with 49 C F R § 1152.50(d)(1), I caused the following parties to be served with the written notice of intent of The Alabama Great Southern Railroad Company and Tennessee, Alabama, and Georgia Railway Company to use the Board's notice of exemption procedures to abandon approximately 4.25 miles of rail line located in Etowah County, Alabama.

Public Service Commission

Britt Roberts, Director
Public Service Commission of Alabama
Transportation Division
P.O. Box 304260
Montgomery, AL 36130
(334) 242-5980

Department of Defense (Military Traffic Management Command, Transportation Engineering Agency, Railroads for National Defense Program)

David Dorfman
SDDC TEA
Railroads for National Defense
709 Ward Dr., Bldg. 1990
Scott AFB, IL 62225
(618) 220-5741

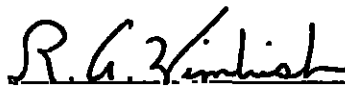
The National Park Service, Recreation Resources Assistance Division

Charlie Stockman
National Park Service
Rivers & Trails Conservation Program
1201 Eye Street, NW, 9th Floor (Org. Code 2220)
Washington, D C. 20005
(202) 354-6900

U.S. Department of Agriculture, Chief of the Forest Service

Thomas L. Tidwell, Chief
Forest Service
U.S. Department of Agriculture
Sidney R. Yates Federal Building
201 14th Street SW
Washington, DC 20024
(202) 205-8439
S/W Sandy Berg, Office Manager

February 13, 2013



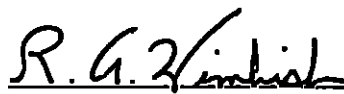
Robert A. Wimbish
Attorney for The Alabama Great Southern
Railroad Company, and Tennessee, Alabama,
and Georgia Railway Company

Certificate of Newspaper Publication

49 C.F.R. § 1105.12 – Newspaper Notice

I certify that a "Notice of Intent to Abandon and to Discontinue Rail Service" was published in the form prescribed by the Board for abandonment notices of exemption (49 C.F.R. § 1105.12). The notice was published one time on February 1, 2013, in The Gadsden Times, a newspaper of general circulation in Etowah County, Alabama.

February 13, 2013



Robert A. Wimbish
Attorney for The Alabama Great Southern
Railroad Company, and Tennessee, Alabama,
and Georgia Railway Company

The Gadsden Times

401 Locust Street, P O Box 188 Gadsden, AL 35901
(205)549-2000 In State Watts Line:1-800-762-2464

NOTICE OF INTENT TO ABANDON RAIL SERVICE

STB Docket Nos. AB-790 (Sub-No. 335X) and AB-290 (Sub-No. 340X). The Alabama Great Southern Railroad Company ("AGS") and Tennessee, Alabama and Georgia Railway Company ("TAG") both wholly-owned subsidiaries of Norfolk Southern Railway Company gives notice that on or about February 11, 2013, they intend jointly to file with the Surface Transportation Board, Washington, DC 20423 a notice of exemption under 49 C.F.R. Part 1152 Subpart F - Exempt Abandonments, pursuant to which - (1) AGS will seek to abandon approximately 3.10 miles of rail line (the "AGS Segment") extending between milepost 2.40 AG (near Cabot Ave. in Gadsden) and milepost 5.50 AG (near the intersection of River and Coosa Streets in Gadsden); and (2) TAG will seek to abandon approximately 1.15 miles of rail line (the "TAG Segment") extending between milepost TA 90.30 (located between the north end of Brookside Drive and Owls Hollow Road in Gadsden) and milepost TA 91.45 (at the TAG Segment's connection with the AGS Segment west of N 5th Street in Gadsden). Collectively, the AGS Segment and the TAG Segment, both of which are located entirely in Gadsden, Etowah, County, Alabama, will be referred to herein as the "Line." The Line consists of roughly 4.25 miles of rail line, and it traverses United States Postal Zip Code territories 35901 and 35904. The proceedings will be docketed as STB Docket Nos. AB-290 (Sub-No. 335X) and AB-290 (Sub-No. 340X). The proposed action entails the abandonment of and discontinuance of rail service over the Line. The Board's Office of Environmental Analysis (OEA) will prepare an Environmental Assessment (EA), which normally will be available 25 days after the filing of the abandonment notice of exemption. Comments on environmental and energy matters should be filed no later than 15 days after the EA becomes available to the public. Such comments will be addressed in a Board decision. Interested persons may obtain a copy of the EA or make inquiries regarding environmental matters by writing to OEA, Surface Transportation Board, 395 E Street, SW, Washington, DC 20423, or by calling that office at (202) 245-0295. Appropriate offers of financial assistance to continue rail service can be filed with the Board. Requests for environmental conditions, public use conditions, or rail banking/trails use also can be filed with the Board. An original and 10 copies of any pleading that raises matters other than environmental issues (such as trails public use, and offers of financial assistance) must be filed directly with the Board's Section of Administration, Office of Proceedings, 395 E Street, S.W., Washington, DC 20423 (See 49 C.F.R. §§ 1104.1(e) and 1104.3(a)), and one copy must be served on the abandoning carriers' representative (See 49 C.F.R. § 1104.12(a)). Questions regarding offers of financial assistance, public use or trails use may be directed to the Board's Office of Public Assistance, Governmental Affairs, and Compliance at 202-245-0230. Copies of any comments or requests for specific Board action should be served on the abandoning carriers' representative: Robert A. Wimbish, BAKER & MILLER PLLC 2401 Pennsylvania Ave., N.W., #300, Washington, DC 20037; phone: 202-663-7824; fax 202-663-7848.

February 1, 2013

STATE OF ALABAMA

ETOWAH COUNTY

Before me, Karen McBrayer, a Notary Public, and in for said County, in said state, personally appeared Vivian Jordan, who is known to me, and who, after being by me duly sworn, deposes and says under oath as follows

That she is an employee of The Gadsden Times, a newspaper published in said County, in said State, and authorized under the laws of the State of Alabama to carry advertising. That as such employee, she has knowledge of facts hereinafter stated, and that she is authorized by said newspaper, to make this affidavit:

That there is attached to said affidavit legal advertising of the Legal Notice which was printed in The Gadsden Times in its regularly circulated editions on February 1, 2013 and that the clipping attached to this affidavit constitutes an exact and true copy of said advertisement as it appeared in The Gadsden Times on dates shown above.

Cost of advertising \$ 165.11

Subscribed and sworn to by me on this the 1st day of February, 2013.

Vivian Jordan

Subscribed and sworn to before me on this the 1st day of February, 2013.

Karen McBrayer
NOTARY PUBLIC
My commission expires
May 8, 2013

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 335X)

**THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY
– ABANDONMENT EXEMPTION –
IN GADSDEN, ETOWAH COUNTY, ALABAMA**

STB Docket No. AB-290 (Sub-No. 340X)

**TENNESSEE, ALABAMA AND GEORGIA RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN GADSDEN, ETOWAH COUNTY, ALABAMA**

JOINT VERIFIED NOTICE OF EXEMPT ABANDONMENT

EXHIBIT D

**CERTIFICATION OF COMPLIANCE
WITH ENVIRONMENTAL AND
HISTORIC REPORT REQUIREMENTS**

**Environmental and Historic Report
Certificate of Service**

Pursuant to the requirements of 49 C.F.R. § 1105.7(b) and 49 C.F.R. § 1105.8(c), the undersigned hereby certifies that a copy of the Combined Environmental and Historic Report in Docket No AB-290 (Sub-No 335X) was mailed via first class mail on November 6, 2012 to the following parties:

Alabama Department of Environmental
Management
Director's Office
P.O. Box 301463
Montgomery, AL 36130-1463

Heinz Mueller
Regional EPA – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW
Room 9125
Atlanta, GA 30303 – 8960

Philip Hinesley
Alabama Department of Conservation and
Natural Resources
Lands Division – Coastal Section
31115 Five Rivers Boulevard
Spanish Fort, AL 36527

Dr. William Plunkett
Natural Resources Conservation Service
USDA
P O Box 311
Auburn, AL 36831 – 0311

Fish and Wildlife Services
Region 4
1208 B Main Street
Daphne, AL 36526-4419

USACE
Brian Zettle
Planning Division
109 St. Joseph Street
Mobile, AL 36602

Sherman Guyton, Mayor
City of Gadsden
P.O. Box 267
Gadsden, Alabama 35902

Patrick Simms, CEO
Etowah County Commission
800 Forrest Avenue
Gadsden, AL 35901

Alabama Highway Department
1409 Coliseum Boulevard
Montgomery, AL 36110

Alabama Historical Commission
468 South Perry Street
Montgomery, AL 36104

National Park Service
Southeast Region
100 Alabama Street, SW
Atlanta, GA 30303

Charlie Stockman
National Park Service
Rivers and Trails Conservation Program
1201 Eye Street, NW 9th floor
Washington D C 20005

National Geodetic Survey
Geodetic Service Division
Room 9202 NGS/12
1315 East-West Hwy
Silver Spring, MD 20910-3282

USEPA
Anel Rios Building
1200 Pennsylvania Ave, NW
Washington, D C 20004



Marcellus C. Kirchner
November 6, 2012

ATTACHMENT 1
ENVIRONMENTAL AND HISTORIC REPORT
INCLUDING SAMPLE TRANSMITTAL LETTER

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**STB DOCKET NO. AB-290 (Sub-No. 335X)
THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY**

**PROPOSED RAIL LINE ABANDONMENT
BETWEEN MILEPOST 2.4 AG AND MILEPOST 5.5 AG
IN GADSDEN, ETOWAH COUNTY, ALABAMA**

AND

**STB DOCKET NO. AB-290 (Sub-No. 340X)
TENNESSEE, ALABAMA AND GEORGIA RAILWAY COMPANY**

**PROPOSED RAIL LINE ABANDONMENT
BETWEEN MILEPOST TA 90.30 AND MILEPOST TA 91.45
IN GADSDEN, ETOWAH COUNTY, ALABAMA**

Combined Environmental and Historic Report

November 6, 2012

**BEFORE THE
SURFACE TRANSPORTATION BOARD**

**STB DOCKET NO. AB-290 (Sub-No. 335X)
THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY**

**PROPOSED RAIL LINE ABANDONMENT
BETWEEN MILEPOST 2.4 AG AND MILEPOST 5.5 AG
IN GADSDEN, ETOWAH COUNTY, ALABAMA**

AND

**STB DOCKET NO. AB-290 (Sub-No. 340X)
TENNESSEE, ALABAMA AND GEORGIA RAILWAY COMPANY**

**PROPOSED RAIL LINE ABANDONMENT
BETWEEN MILEPOST TA 90.30 AND MILEPOST TA 91.45
IN GADSDEN, ETOWAH COUNTY, ALABAMA**

Combined Environmental and Historic Report

The Alabama Great Southern Railroad Company (AGS) and Tennessee, Alabama and Georgia Railway Company (TAG), both wholly-owned subsidiaries of Norfolk Southern Railway Company (NSR), submit this Combined Environmental and Historic Report ("EHR") pursuant to 49 C F R. § 1105.7(e) and 49 C F.R. § 1105.8(d), respectively, for an exempt abandonment of 3 10 miles of AGS rail line between Mileposts 2.40 AG and 5 50 AG, and 1.15 miles of TAG rail line between mileposts TA 90 30 and TA 91.45, for a total of 4 25 miles of rail line to be abandoned. The two segments are contiguous and are located in the Gadsden area in Etowah County, Alabama

ENVIRONMENTAL REPORT

49 CFR 1105.7(e)(1) Proposed Action and Alternatives.

Describe the proposed action, including commodities transported, the planned disposition (if any) of any rail line and other structures that may be involved, and any possible changes in current operations or maintenance practices. Also describe any reasonable alternatives to the proposed action. Include a readable, detailed map and drawings clearly delineating the project.

RESPONSE. AGS proposes to abandon 3.10 miles of rail line between Mileposts 2.40 AG and 5.50 AG, and TAG proposes to abandon 1.15 miles of rail line between Mileposts TA 90.30 and TA 91.45, for a total of 4.25 miles of rail line to be abandoned. The two segments are contiguous and are located in the Gadsden area in Etowah County, Alabama. The lines have been out of service for over two years.

Following abandonment, the line segments' track and track materials will be salvaged. Salvage operations will consist of removing the track structures from the existing roadbed. The contours of the existing roadbed will remain as is and existing drainage systems will remain intact. When the track structures are removed, the contractor will smooth the roadbed to a level surface. No ballast will be removed, and no soil disturbance will occur (so no National Pollutant Discharge Elimination System permit will be required). No digging or burying of any kind will be permitted. All track material is removed and steel components are either reused or sold as scrap. Crossties may be reused in other railroad operations or disposed of in accordance with applicable federal and state laws and regulations. Bridges on the line segments typically will be removed.

The alternative to abandonment is to not abandon the lines and retain the track in

place. This alternative is not satisfactory. The railroads would incur opportunity and other holding costs that would need to be covered by non-existent on-line shippers were this line segment to be retained.

A map delineating the lines proposed for abandonment is attached as **Appendix A**. An example of NSR's letter to federal, state and local government agencies, along with a list of the consulting agencies NSR has contacted, are attached as **Appendix B**. Responses to the letter or other comments received as a result of consultations can be found in **Appendix C**.

49 CFR 1105.7(e)(2) Transportation system.

Describe the effects of the proposed action on regional or local transportation systems and patterns. Estimate the amount of traffic (passenger or freight) that will be diverted to other transportation systems or modes as a result of the proposed action.

RESPONSE: Effects of the proposed action on regional or local transportation systems and patterns are expected to be negligible. There is no rail freight or passenger traffic on the line segments proposed for abandonment.

49 CFR 1105.7(e)(3) Land use.

(i) Based on consultation with local and/or regional planning agencies and/or a review of the official planning documents prepared by such agencies, state whether the proposed action is consistent with existing land use plans. Describe any inconsistencies.

RESPONSE. An outline of future land use plans has been requested from the City of Gadsden and the Etowah County Commission. These agencies were also asked to comment on the consistency of the proposed abandonment with existing land use plans. A copy of the response from the Etowah County Commission is attached as part of **Appendix C**.

(ii) Based on consultation with the U.S. Soil Conservation Service, state the effect of the proposed action on any prime agricultural land

RESPONSE: Consultation was requested from The United States Department of Agriculture, Natural Resources Conservation Service. A copy of its response stating that the proposed area does not contain prime farmland is attached in **Appendix C**.

(iii) If the action affects land or water uses within a designated coastal zone, include the coastal zone information required by Sec 1105.9

RESPONSE: Consultation was requested from Alabama Department of Conservation and Natural Resources, Lands Division – Coastal Section.

(iv) If the proposed action is an abandonment state whether or not the right-of-way is suitable for alternative public use under 49 U.S.C. 10906 and explain why

RESPONSE: The railroads may not have fee title to the entire right-of-way underlying the line segments proposed for abandonment, therefore, the railroads may not have a contiguous corridor available for alternative public use. NSR is not aware of whether there may be any state or local plans that may be facilitated by the proposed abandonment, and has no opinion about whether the right of way would be suitable for alternative public purposes.

49 CFR 1105.7(e)(4) Energy.

(i) Describe the effect of the proposed action on transportation of energy resources.

RESPONSE: Development and transportation of energy resources will not be affected by the abandonment. No freight or passenger traffic is moving over the lines, and the line did not carry any energy resources when last in operation.

(ii) Describe the effect of the proposed action on recyclable commodities.

RESPONSE Movement or recovery of recyclable commodities will not be affected by the abandonment No freight or passenger traffic is moving over the lines, and the lines did not carry recyclable commodities when last in operated

(iii) State whether the proposed action will result in an increase or decrease in overall energy efficiency and explain why.

RESPONSE. The proposed action involves the abandonment and salvage of inactive rail line segments, and as such will not result in an increase or decrease in overall energy efficiency

*(iv) If the proposed action will cause diversions from rail to motor carriage of more than.
(A) 1,000 rail carloads a year; or
(B) An average of 50 rail carloads per mile per year for any part of the affected line, quantify the resulting net change in energy consumption and show the data and methodology used to arrive at the figure given*

RESPONSE: No traffic will be so diverted

49 CFR 1105.7(e)(5) Air.

*(i) If the proposed action will result in either:
(A) An increase in rail traffic of at least 100 percent (measured in gross ton miles annually) or an increase of at least eight trains a day on any segment of rail line affected by the proposal, or
(B) An increase in rail yard activity of at least 100 percent (measured by carload activity), or
(C) An average increase in truck traffic of more than 10 percent of the average daily traffic or 50 vehicles a day on any affected road segment, quantify the anticipated effect on air emissions.*

RESPONSE The above thresholds will not be exceeded

*(ii) If the proposed action affects a class I or nonattainment area under the Clean Air Act, and will result in either:
(A) An increase in rail traffic of at least 50 percent (measured in gross ton miles annually) or an increase of at least three trains a day on any segment of rail line,
(B) An increase in rail yard activity of at least 20 percent (measured by carload activity), or
(C) An average increase in truck traffic of more than 10 percent of the average daily*

traffic or 50 vehicles a day on a given road segment, then state whether any expected increased emissions are within the parameters established by the State Implementation Plan.

RESPONSE. The above thresholds will not be exceeded. Etowah County Alabama is in attainment for all National Ambient Air Quality Standard (NAAQS) pollutants according to the U.S. Environmental Protection Agency, with the exception of 1-hr ozone, 8-hr ozone and particulate matter

(iii) If transportation of ozone depleting materials (such as nitrogen oxide and Freon®) is contemplated, identify the materials and quantity; the frequency of service; safety practices (including any speed restrictions), the applicant's safety record (to the extent available) on derailments, accidents and spills; contingency plans to deal with accidental spills; and the likelihood of an accidental release of ozone depleting materials in the event of a collision or derailment

RESPONSE: Not applicable.

49 CFR 1105.7(e)(6) Noise.

If any of the thresholds identified in item (5)(i) of this section are surpassed, state whether the proposed action will cause.

(i) An incremental increase in noise levels of three decibels Ldn or more, or

(ii) An increase to a noise level of 65 decibels Ldn or greater.

If so, identify sensitive receptors (e.g., schools, libraries, hospitals, residences, retirement communities, and nursing homes) in the project area, and quantify the noise increase for these receptors if the thresholds are surpassed.

RESPONSE: The above thresholds will not be exceeded

49 CFR 1105.7(e)(7) Safety.

(i) Describe any effects of the proposed action on public health and safety (including vehicle delay time at railroad grade crossings).

RESPONSE: Abandonment of the subject rail line segments will have no significant effect upon public health or safety.

(ii) If hazardous materials are expected to be transported, identify the materials and quantity; the frequency of service; whether chemicals are being transported that, if mixed, could react to form more hazardous compounds; safety practices (including any speed restrictions); the applicant's safety record (to the extent available) on derailments, accidents and hazardous spills; the contingency plans to deal with accidental spills, and the likelihood of an accidental release of hazardous materials.

RESPONSE: Not applicable.

(iii) If there are any known hazardous waste sites or sites where there have been known hazardous materials spills on the right-of-way, identify the location of those sites and the types of hazardous materials involved.

RESPONSE: The railroads have no knowledge of hazardous waste sites or sites where there have been known hazardous material spills on or adjacent to the subject right-of-way

49 CFR 1105.7(e)(8) Biological Resources.

(i) Based on consultation with the U.S. Fish and Wildlife Service, state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects.

RESPONSE: The railroads do not believe that any federally listed endangered species or their habitats will be adversely affected. A consultation was requested from the U S Fish and Wildlife Service (USFWS) to ascertain any impacts to surrounding habitats and species USFWS has advised that would be no significant impact on fish and wildlife resources. The response is attached in **Appendix C**.

(ii) State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects

RESPONSE: The line segments proposed for abandonment do not appear to pass through state parks or forests, national parks or forests, or wildlife sanctuaries. No adverse effects on wildlife sanctuaries, national parks or forests, or state parks or forests are anticipated.

49 CFR 1105.7(e)(9) Water.

(i) Based on consultation with State water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards Describe any inconsistencies

RESPONSE: The railroads do not intend to or alter the contour of the roadbed underlying the rail lines to be abandoned by way of the excavation or other ground-disturbance activity. Accordingly, no soils will be disturbed, and no storm water mitigation or National Pollutant Discharge Elimination System permits will be required. There are no plans to undertake in-stream work, or dredge and/or use any fill materials in connection with the proposed abandonment, so, for this reason also the proposed abandonment will not result in water quality impacts. Consultation has been requested from the Alabama Department of Conservation and Natural Resources and from the Alabama Department of Environmental Management (ADEM). ADEM had referred the matter to its Water Division, which has supplied the railroads with the Division's proposed project/activity review information. See Appendix C.

(ii) Based on consultation with the U S Army Corps of Engineers, state whether permits under section 404 of the Clean Water Act (33 U S C. 1344) are required for the proposed action and whether any designated wetlands or 100-year flood plains will be affected. Describe the effects.

RESPONSE. The geometry of the roadbeds will not be altered and no in-stream work is contemplated. No discernible effects on either 100-year flood plains or adjacent

wetlands are expected in connection with the proposed abandonment. Consequently, the railroads do not believe a Section 404 permit will be required in connection with the proposed abandonment. Consultation was requested from the US Army Corps of Engineers, which confirmed that no permit will be required for the project. The response is attached in **Appendix C**.

(iii) State whether permits under section 402 of the Clean Water Act (33 U.S.C. 1342) are required for the proposed action.

RESPONSE. The railroads do not plan to remove or alter the roadbed underlying the line to be abandoned, to undertake in-stream work or to dredge or use any fill materials. There will be no excavation or other ground-disturbance activity, and, because no soils will be disturbed, no storm water mitigation or National Pollutant Discharge Elimination System permit will be required. The railroads anticipate that the abandonment will not affect water quality or require the issuance of a Section 402 permit under the Federal Water Pollution Control Act. Nevertheless, NSR has requested input from the Environmental Protection Agency and the Alabama Department of Conservation and Natural Resources.

49 CFR 1105.7(e)(10) Proposed Mitigation.

Describe any actions that are proposed to mitigate adverse environmental impacts, indicating why the proposed mitigation is appropriate.

RESPONSE: Abandonment of the involved rail lines is not expected to produce adverse environmental impacts. Only minimal physical activity may occur, such as removal of rail, ties, and other railroad appurtenances. The railroads will undertake all reasonable mitigation associated with these activities to assure the abandonment does not produce adverse environmental impacts.

HISTORIC REPORT

49 CFR 1105.8(d)

PROPOSED ACTION AND ALTERNATIVES

AGS proposes to abandon 3.10 miles of rail line between Mileposts 2.40 AG and 5.50 AG, and TAG proposes to abandon 1.15 miles of rail line between Mileposts TA 90.30 and TA 91.45, for a total of 4.25 miles of rail line to be abandoned. The two segments are contiguous and are located in the Gadsden area in Etowah County, Alabama.

Following abandonment, the line's track and track materials will be salvaged. Salvage operations will consist of removing the track structure from the existing roadbed. The contours of the existing roadbed will remain as is, and the existing drainage system will remain intact. When the track structure is removed, the contractor will smooth the roadbed to a level surface. No ballast or soil will be removed. No digging or burying of any kind will be permitted. All track material is removed, and steel components are either reused or sold as scrap. Crossties may be reused in other railroad operations or disposed of in accordance with applicable federal and state laws and regulations. Bridges on the line segment typically will be removed.

The alternative to abandonment is to forego abandonment, and retain the track in place. This alternative is not satisfactory. The railroads would incur opportunity and other holding costs that would need to be covered by non-existent on-line shippers were these line segments to be retained.

A map delineating the lines proposed for abandonment is attached in **Appendix**.

A.

ADDITIONAL INFORMATION

(1) **U.S.G.S. Topographic Map** – Maps were furnished to Alabama Historical Commission

(2) **Written Description of Right of Way** – The right-of-way width ranges from 25 feet to 100 feet along the main track centerline of the TAG line and 50 feet along the main track centerline of the AG line. The lines pass through suburban residential areas. Pursuant to Surface Transportation Board (STB) policy, the railroads' right-of-way will constitute the Area of Potential Effect (APE) for this undertaking.

(3) **Photographs** – Photographs are attached of the four bridge structures

(4) **Date of Construction of Structures** – The construction dates for the bridges on the AG line segment are as follows: the bridge at Milepost 2.9 AG was built in 1950, the bridge at Milepost 3.2 AG was built in 1991, the bridge at Milepost 3.9 AG was built in 1991, and the bridge at Milepost 4.6 AG was built in 1949. No changes have been made to the bridges other than periodic normal maintenance to replace worn components. There are no bridges or other structures on the TA line segment.

(5) **History of Operations and Changes Contemplated** - The lines that are the subject of the related notice to the STB are 3.10 miles of rail line between 2.40 AG and 5.50 AG (the "AG Segment"), and 1.15 miles of rail line between TA 90.30 and TA 91.45 (the "TA Segment"), for a total of 4.25 miles. The two segments are contiguous and are located in the Gadsden area in Etowah County, Alabama.

Each of the two rail line segments to be abandoned belongs to a separate, but

related, railroad company. The AG Segment traces its history back to roughly 1877, and the original Alabama Great Southern Railroad Company (O-AGS). O-AGS was composed of smaller railroads: The Wills Valley Railroad Company, the North-East & South-West Alabama Railroad Company, the Alabama & Chattanooga Railroad Company, the Alabama Great Southern Railroad Company, and the Alabama Great Southern Railroad Company Limited. The O-AGS system extended from Chattanooga, TN to Meridian, MS.

The O-AGS was reorganized by Emile Erlanger and Company and became, known as the Alabama Great Southern Railway Company, Limited.

Southern Railway Company (SR) obtained control of the Alabama Great Southern Railway Limited in 1895. As of that year, Alabama Great Southern Railway, Limited became known as the Alabama Great Southern Railroad Company ("AGS") and it has since remained a subsidiary of SR and its successors. In December 1990, SR changed its name to Norfolk Southern Railway Company.

The TA Segment traces its history back to 1892, when it was constructed by the Chattanooga Southern Railway (CSRY). The rails extended from Chattanooga, TN to Gadsden, AL.

In 1896, entered receivership, and was reorganized as the Chattanooga Southern Railroad (CSRR). In 1911, CSRR becomes the Tennessee, Alabama, and Georgia Railway, which, following yet another reorganization eleven years later became Tennessee, Alabama, and Georgia Railroad (TAG). The TAG was built to haul coal, iron, and timber. Southern Railway Company (SR) purchased the TAG and merged it into the

SR system in 1971 SR changed its name to Norfolk Southern Railway Company in 1982.

(6) Summary of Documents In Carrier's Possession That Might Be Useful for Documenting a Structure That Is Found To Be Historic - NSR may have

engineering plans for the structures on the AG line, NSR anticipates that these plans will be standard (non-structure specific) plans, and thus would have been used in connection with the construction of similar, contemporary structures on the dates of construction. There are no structures on the TA line

(7) Opinion Regarding Criteria For Listing In The National Register Of Historic Places – There are four structures within the APE for this project. There are no structures on the TA Segment.

AGS believes that neither the structures on the line nor the line itself meet the criteria for listing in the *National Register of Historic Places*. The four structures along the AG Line that are 50 years old or older are bridges that are short in length and of ordinary design and construction AGS believes that there is nothing distinguishing these bridges from other in the region or on the NSR system generally. In addition, the railroads have no reason to believe that there are archaeological resources or historic properties on or immediately adjacent to the lines.

(8) Subsurface Ground Conditions That Might Affect Archaeological Recovery – The railroads are not aware of any prior subsurface ground disturbances or environmental conditions that would affect archaeological recovery Moreover, abandonment of the lines and salvage of material from its surface will not affect any

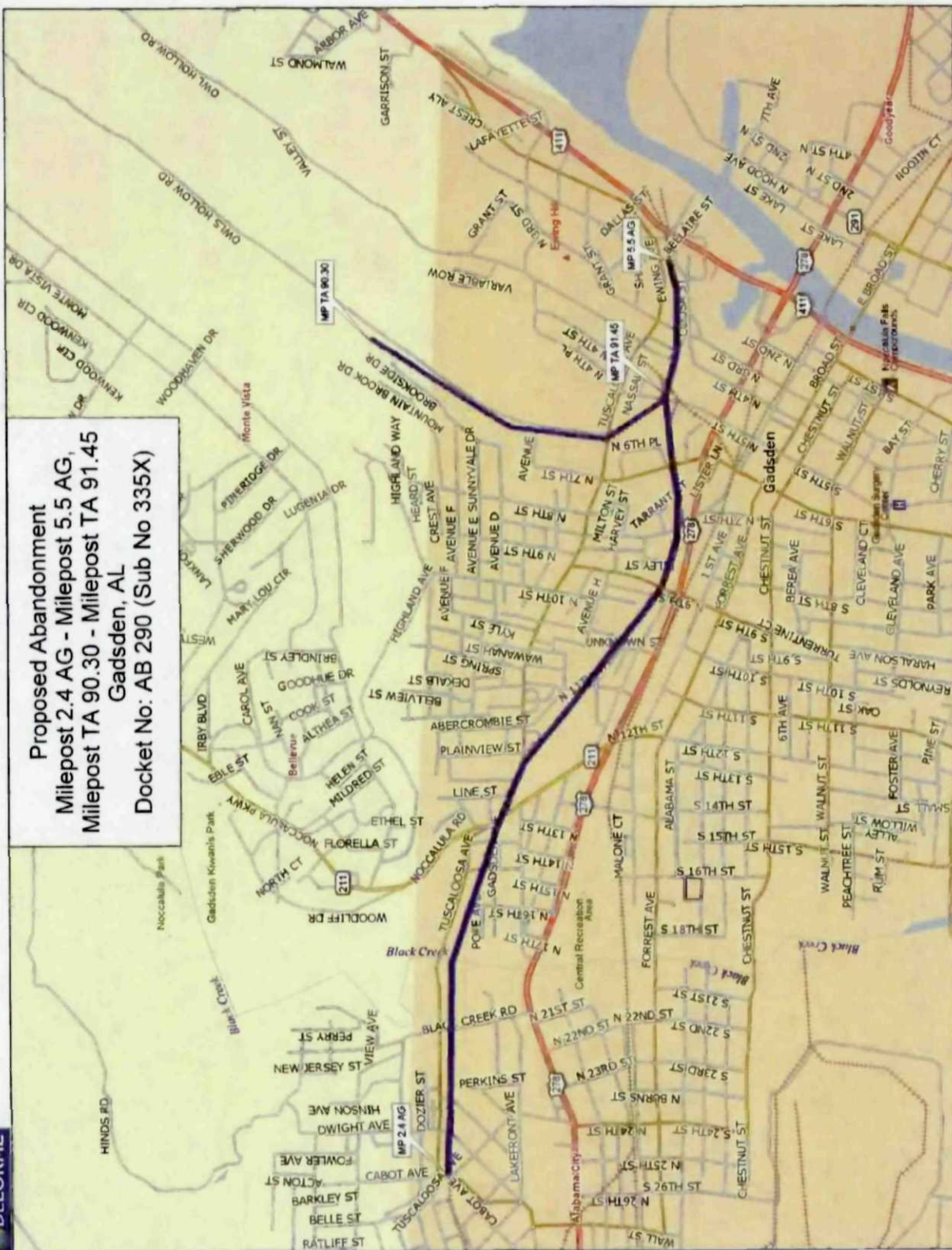
potential archaeological resources. The subsurface of the right-of-way was initially disturbed in the construction of the railroad lines by grading and filling. Abandonment and salvage of the lines will not result in activities below the surface, or below the level of initial disturbance.

(9) **Follow-Up Information** - Additional information will be provided as appropriate.

APPENDIX A

Site Map

Proposed Abandonment
 Milepost 2.4 AG - Milepost 5.5 AG,
 Milepost TA 90.30 - Milepost TA 91.45
 Gadsden, AL
 Docket No: AB 290 (Sub No 335X)



APPENDIX B
Agency Letters

RECIPIENT LIST

Proposed Rail Line Abandonment of 3.10 miles of rail line between Mileposts 2.40 AG and 5.50 AG, and 1.15 miles of rail line between Mileposts TA 90.30 and TA 91.45, for a total of 4.25 miles of rail line to be abandoned. Both segments are located in the Gadsden area in Etowah County, Alabama

Alabama Department of Environmental
Management
Director's Office
P.O. Box 301463
Montgomery, AL 36130-1463

Heinz Mueller
Regional EPA – Region 4
Sam Nunn Atlanta Federal Center
61 Forsyth Street SW
Room 9125
Atlanta, GA 30303 – 8960

Philip Hinesley
Alabama Department of Conservation and
Natural Resources
Lands Division – Coastal Section
31115 Five Rivers Boulevard
Spanish Fort, AL 36527

Dr. William Plunkett
Natural Resources Conservation Service
USDA
P.O. Box 311
Auburn, AL 36831 – 0311

Fish and Wildlife Services
Region 4
1208 B Main Street
Daphne, AL 36526-4419

USACE
Brian Zettle
Planning Division
109 St. Joseph Street
Mobile, AL 36602

Sherman Guyton, Mayor
City of Gadsden
P.O. Box 267
Gadsden, Alabama 35902

Patrick Simms, CEO
Etowah County Commission
800 Forrest Avenue
Gadsden, AL 35901

Alabama Highway Department
1409 Coliseum Boulevard
Montgomery, AL 36110

Alabama Historical Commission
468 South Perry Street
Montgomery, AL 36104

National Park Service
Southeast Region
100 Alabama Street, SW
Atlanta, GA 30303

Charlie Stockman
National Park Service
Rivers and Trails Conservation Program
1201 Eye Street, NW 9th floor
Washington D.C. 20005

National Geodetic Survey
Geodetic Service Division
Room 9202 NGS/12
1315 East-West Hwy
Silver Spring, MD 20910-3282

USEPA
Ariel Rios Building
1200 Pennsylvania Ave., NW
Washington, D.C. 20004



Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510-9207

Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510-9207
(757) 629-2679

November 6, 2012

RE: STB Docket No. AB-290 (Sub-No. 335X), The Alabama Great Southern Railroad Company - Abandonment - in Gadsden, Etowah County, Alabama.

STB Docket No. AB-290 (Sub-No. 340X), Tennessee, Alabama and Georgia Railway Company - Abandonment - in Gadsden, Etowah County, Alabama.

Dear Sir/Madam:

The Alabama Great Southern Railroad (AGS) plans to request authority from the Surface Transportation Board (STB) to abandon a segment of rail line between Mileposts 2.40 AG and 5.50 AG, and Tennessee, Alabama and Georgia Railway Company (TAG), plans to request authority from the STB to abandon a segment of rail line between 1 15 miles of rail line between Mileposts TA 90 30 and TA 91.45, for a total of 4 25 miles of rail line to be abandoned. Both segments are located in the Gadsden area in Etowah County, Alabama. AGS and TAG are both wholly-owned subsidiaries of NSR.

Enclosed is a Combined Environmental and Historic Report (Report) which describes the proposed abandonment and other pertinent information. A map of the proposed track abandonment can be found in Appendix A of this report. Appendix B of this report lists the various agencies receiving it.

The railroads do not anticipate adverse environmental impacts, however, if you identify any adverse environmental effects please describe the actions that would assist in alleviating them. Please provide us with a written response indicating any concerns or lack thereof, which will be included in the Report and sent to the Surface Transportation Board (STB).

This Report is being provided so that you may submit information that will form the basis for the STB's independent environmental analysis of the proceeding. If you believe any of the information is incorrect, if you think pertinent information is missing, or if you have any questions about the Board's Environmental Review process, please contact the Section of Environmental Analysis (SEA) by telephone at (202) 245-0295 or by mail to.

Surface Transportation Board,
395 E Street, S.W., Room 1106
Washington DC 20423-0001

Please refer to the above Docket when contacting the STB. Applicable statutes and regulations impose stringent deadlines for processing this action. For this reason your written comments (with a copy to us) would be appreciated within three weeks.

Your comments will be considered by the Board in evaluating the environmental impacts of the contemplated action. In order for us to consider your input prior to filing with the STB, we must

Operating Subsidiary Norfolk Southern Railway Company

receive your comments within three weeks. Please provide information to Kearston St. Dennis by email at Kearston.StDennis@nscorp.com, or by mail to:

Kearston St Dennis
Coordinator-Abandonments
Norfolk Southern Corporation
Strategic Planning Department
Three Commercial Place
Norfolk, VA 23510

Sincerely,

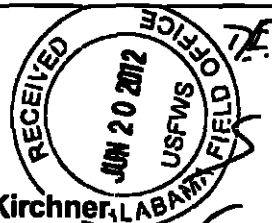


Marcellus C. Kirchner
Director Strategic Planning
The Alabama Great Southern Railroad Company
Tennessee, Alabama and Georgia Railway Company



Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9202

Log TA/JEN



Marcellus C. Kirchner, LABAMA
Director Strategic Planning
(757) 629-2679
(757) 823-5807 FAX

May 17, 2012

U. S. Fish and Wildlife Service – Region 4
Century Center
1875 Century Boulevard
Atlanta, GA 30345

2012-TA-0512

RE: Docket No AB-290 (Sub-No 335X), Norfolk Southern Railway Company -
Abandonment – in Etowah County, Alabama

Dear Sir or Madam.

Norfolk Southern Railway Company is considering the abandonment of 3.10 miles of rail line between Mileposts 2 40 AG and 5.50 AG, and 1.15 miles of rail line between TA 90.30 to TA 91.45, for a total of 4 25 miles of rail line to be abandoned. Both segments are located in the Gadsden area in Etowah County, Alabama. A map is included delineating the area under consideration.

During the removal of track and materials, if any, Norfolk Southern does not anticipate the use of any new access roads, the need to conduct dredging, or the use of fill. Only existing public and private access roads and the Norfolk Southern right of way should be needed to facilitate operations. In addition, the underlying roadbed will not be disturbed. There are four bridges crossing waterways on the line. During the removal of track and materials the bridges may be removed; however, any debris or other material will be removed from the area, preventing any of the material from entering waterways. Norfolk Southern will also take all measures to prevent and/or control the occurrence of spills or of any pollutants from entering surrounding waterways.

Should Norfolk Southern abandon the rail segment, the approval of the Surface Transportation Board is required. In addition, Federal Regulations 49 C.F.R. 1105.7 (8i) and (8ii) require Norfolk Southern to address the following statements:

- (i) "Based on consultation with the U.S. Fish and Wildlife Service state whether the proposed action is likely to adversely affect endangered or threatened species or areas designated as a critical habitat, and if so, describe the effects "
- (ii) "State whether wildlife sanctuaries or refuges, National or State parks or forests will be affected, and describe any effects."

55

Norfolk Southern believes that our actions will not adversely impact any endangered or threatened species and their habitats or wildlife sanctuaries and parks; however we would appreciate your review and input. Please direct your responses and questions to Kearston Comegys at Kearston.Comegys@nscorp.com or mail to:

Kearston Comegys, Coordinator Abandonments
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

Very truly yours,



Marcellus C. Kirchner

Attachment



U.S. Fish and Wildlife Service
1208-B Main Street – Daphne, Alabama 36526
Phone 251-441-5181 Fax 251-441-6222

No federally listed species/critical habitat are known to occur in the project area. As described, the project will have no significant impact on fish and wildlife resources. IF PROJECT DESIGN CHANGES ARE MADE, PLEASE SUBMIT NEW PLANS FOR REVIEW. We recommend use of best management practices specific to your project (See <http://www.fws.gov/daphne/section7/hmp.html>.)


William J. Pearson, Field Supervisor

Date

7-18-2012

#3

PHONE (256) 549-5300
TOLL FREE 1-866-314-7660

ETOWAH COUNTY COMMISSION

FAX (256) 549-5400

JOBE "JOEY" N. STATUM, IV, District 1
PERRY W. GWIN, District 2
LARRY V. PAYNE, District 3
JEFF OVERSTREET, District 4



CAROLYN H. PARKER, District 5
TIM N. CHOATE, District 6
PATRICK SIMMS, Chief Executive Officer
JAMES E. TURNBACH, County Attorney

Marcellus C. Kirchner
Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9202

May 21, 2012

Dear Mr. Kirchner,

Etowah County does not have any planning jurisdiction inside the city limits.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Patrick Simms", is written over a horizontal line.

Patrick Simms, CEO
Etowah County Commission



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, MOBILE
CORPS OF ENGINEERS
BIRMINGHAM FIELD OFFICE
218 SUMMIT PARKWAY, SUITE 222
HOMEWOOD, ALABAMA 35209

Date 6-4-12

Dear Applicant:

We are in receipt of your request/application to pre-App

Your request/application has been assigned project file number
SAM-2012-00690-TMB and is also identified as Norfolk Southern
Railway Co Abandonment

Your project has been assigned to Project Manager Taylor Bell

You may contact him/her either by telephone at (205) 290-9096, by email at

Taylor.M.Bell @ usace.army.mil or by mail at

218 Summit Parkway Suite 222, Homewood, Alabama 35209.

Please help us help you, and take a moment to visit our website at

<http://www.sam.usace.army.mil/RD/reg/> and complete our customer satisfaction Survey

Sincerely,

Cg House-Pearson

Cindy J House-Pearson
Field Office Manager
Regulatory Division

Comegys, Kearston

From: Beth Walls [Walls.Beth@epamail.epa.gov]
Sent: Friday, May 25, 2012 8:44 AM
To: Comegys, Kearston
Cc: walls.beth@epa.gov, Heinz Mueller
Subject: Docket No. AB-290 (Sub No. 335X), Norfolk Southern Railway Company – Abandonment – in Etowah County, AL

Dear Mr. Comegys

I am responding on behalf of Heinz Mueller (addressee) regarding Mr. Marcellus Kirchner's May 17, 2012, letter to US EPA, Region 4, requesting EPA's review of the proposed 4.25 mile rail line abandonment project in Gadsden City, Etowah County, Alabama. Mr. Kirchner requested EPA direct our response to you.

According to the above referenced letter, NS is proposing to abandon 3.10 miles of rail line between railway Mileposts (MP) 2.40 AG and 5.50 AG and 1.5 miles of rail line between MP TA 90.30 to TA 91.45. The letter indicates the proposed action will not involve new road construction, dredging, nor fill deposition, and the underlying road bed will not be disturbed. The letter indicates four existing bridges crossing waterways may be removed as part of this action. This letter requested EPA's advice as to whether a Clean Water Act (CWA) Section 402 permit would be needed.

The requirement for a CWA permit is triggered by the presence of CWA-defined waters. While the enclosed DeLorme Street Atlas map does not depict the presence of the four above referenced bridges and waterways, it does depict the presence of a larger unnamed surface water body. This unnamed surface water body potentially could be the receiving stream for the waterways referenced above. Thus, there is a potential for CWA-defined waters to be impacted. The letter indicates no direct discharges into CWA-defined waters is anticipated to be associated with the proposed action. For example, the letter indicates any debris or other material associated with the bridge deconstructions will be collected and removed. But, there may be the potential for storm-water related runoff associated with the proposed action to impact CWA-defined waters.

Because EPA has delegated its CWA program implementation to the State of Alabama (Alabama Department of Environmental Management (ADEM)), compliance with ADEM's CWA delegated program is sufficient to meet federal requirements. I recommend contacting ADEM's permitting unit staff; contact information is available at <http://adem.alabama.gov/programs/water/default.cfm>.

Additionally, I would recommend NS also contact the appropriate City of Gadsden department responsible for implementing the Municipal Separate Storm Sewer Systems (MS4) program. The City is required to obtain a MS4 permit from the State. EPA anticipates NS, as a corporate citizen, would be reluctant for any of its activities to possibly cause the City to be unable to comply with its MS4 permit requirements. To obtain a City contact, the ADEM permitting unit staff should be able to guide you as to whether this latter recommendation is necessary.

Sincerely,



Beth Walls
Environmental Scientist,
404-562-8309 & walls.beth@epa.gov

Region 4, NEPA Program Office
Sam Nunn AFC, 61 Forsyth St ,
Atlanta, Ga 30303-8960





Norfolk Southern Corporation
Three Commercial Place
Norfolk, Virginia 23510-9202

JAM:2012 006407MB

Marcellus C. Kirchner
Director Strategic Planning
(757) 629-2679
(757) 823-5807 FAX

May 17, 2012

Brian Zettles
United States Army Corps of Engineers
Mobile District, Planning Division
109 St Joseph Street
Mobile, AL 36602

U.S. Army Corps of Engineers

A Department of the Army permit will not be
required for your project as proposed

Marcellus C. Kirchner 6-14-12
PROJECT MANAGER / DATE
REGULATORY DIVISION

RE Docket No AB-290 (Sub-No 335X), Norfolk Southern Railway Company -
Abandonment - in Etowah County, Alabama

Dear Mr Zettles:

Norfolk Southern Railway Company is considering the abandonment of 3 10 miles of rail line between Mileposts 2.40 AG and 5 50 AG, and 1.15 miles of rail line between TA 90.30 to TA 91.45, for a total of 4.25 miles of rail line to be abandoned. Both segments are located in the Gadsden area in Etowah County, Alabama. A map is included delineating the area under consideration

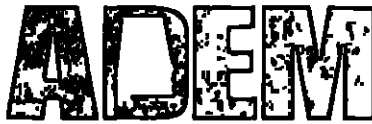
During the removal of track and materials, if any, Norfolk Southern does not anticipate the use of any new access roads, the need to conduct dredging, or the use of fill. Only existing public and private access roads and the Norfolk Southern right of way should be needed to facilitate operations. In addition, the underlying roadbed will not be disturbed. There are four bridges crossing waterways on the line. During the removal of track and materials the bridges may be removed, however, any debris or other material will be removed from the area, preventing any of the material from entering waterways. Norfolk Southern will also take all measures to prevent and/or control the occurrence of spills or of any pollutants from entering surrounding waterways

Should Norfolk Southern abandon the rail segment, the approval of the Surface Transportation Board is required. In addition, Federal Regulation 49 C.F.R. 1105.7 (9ii) requires Norfolk Southern to address the following statement:

- (ii) "Based on consultation with the U.S Army Corps of Engineers, state whether permits under Section 404 of the Clean Water Act (33 U.S.C 1344) are required for the proposed action and whether any designated wetlands or 100 year flood plans will be affected. Describe any effects "

Norfolk Southern believes that our actions will have no impact to designated wetlands or 100 year flood plans; however, we would appreciate your review and input. In addition, please advise based on the above information if a permit under Section 404 of the Clean Water Act

LANCE R. LEFLEUR
DIRECTOR



Alabama Department of Environmental Management
adem.alabama.gov

1400 Coliseum Blvd 36110-2400 ■ Post Office Box 301463
Montgomery, Alabama 36130-1463
(334) 271 7700 ■ FAX (334) 271-7950

ROBERT J. BENTLEY
GOVERNOR

June 26, 2012

KEARSTON COMEGYS, COORDINATOR ABANDONMENT'S
NORFOLK SOUTHERN CORPORATION
STRATEGIC PLANNING - 12TH FLOOR
3 COMMERCIAL PLACE
NORFOLK, VA 23510

RE: Docket No AB-290 (Sub-No 335X), Norfolk Southern Railway Company
Abandonment - in Etowah, Alabama
Etowah County (055)

Dear Ms. Comegys.

The Department's Water Division (WD) has reviewed the information you sent us regarding the above-referenced project. You had requested that we review this information and provide comments

Attached, please find a copy of WD's proposed project/activity review information

I hope this information is useful. If you have any questions or need additional information, please contact me by email at gfm@adem.state.al.us or by phone at (334) 394-4317.

Sincerely,

A handwritten signature in black ink, appearing to read "Gerald Martin", is written over the typed name and title.
Gerald Martin
Technical Staff
Construction Permits Section
Stormwater Management Branch
Water Division

GFM File PREV

Enclosure: Proposed Project/Activity Review Information
Copy of Review Request Letter
Construction Stormwater NOI

Birmingham Branch
110 Vulcan Road
Birmingham, AL 35209-4702
(205) 942-6168
(205) 941 1803 (FAX)

Decatur Branch
2715 Sandlin Road, S W
Decatur, AL 35603-1333
(256) 353-1713
(256) 340-9358 (FAX)



Mobile Branch
2204 Penmetor Road
Mobile, AL 36615-1131
(251) 450-3400
(251) 479 2593 (FAX)

Mobile-Coastal
4171 Commanders Drive
Mobile, AL 36615-1421
(251) 432 8533
(251) 432-8598 (FAX)

ADEM CONSTRUCTION STORMWATER

PROPOSED PROJECT/ACTIVITY REVIEW INFORMATION

The Department has received and evaluated the information you sent us regarding the above-referenced project. You had requested that we review this information and provide comments

Please note that State law and ADEM regulations require that appropriate; effective Best Management Practices (BMPs) for the control of pollutants in stormwater run-off be fully implemented and maintained as needed for all construction and land disturbance activities regardless of permit status or size of the disturbance to prevent/minimize discharges of sediment and other pollutants to waters of the State of Alabama

A "water of the state" is broadly defined as [§ 22-22-1(b)(2), Code of Alabama 1975, as amended] "All waters of any river, stream, watercourse, pond, lake, coastal, ground, or surface water, wholly or partially within the state, natural or artificial. This does not include waters which are entirely confined and retained completely upon the property of a single individual, partnership, or corporation unless such waters are used in interstate commerce." Discharges of pollutants resulting from failure to implement and maintain effective BMP's are considered unpermitted discharges to state waters.

Please be advised that pursuant to EPA rules and ADEM Construction General Permit (CGP) ALR100000, the operator or owner is required to apply for and maintain valid National Pollutant Discharge Elimination System (NPDES) coverage for stormwater discharges prior to beginning construction or regulated land disturbance that will equal or exceed one (1) acre in size. The regulations also require NPDES registration for disturbance activities less than one (1) acre that are part of, adjacent to, or associated with a larger common plan of development or sale, that may eventually equal or exceed one (1) acre, or if less than one (1) acre in size if stormwater discharges have reasonable potential to be a significant contributor of pollutants to a water of the State or have reasonable potential to cause or contribute to a violation of applicable Alabama water quality standards as determined by the Department. In addition, a Construction Best Management Practices Plan (CBMPP) is required to be submitted for priority construction sites as defined in the CGP. The regulated construction disturbance also includes, but is not limited to, associated areas utilized for support activities such as vehicle parking, equipment or supply storage areas, material stockpiles, temporary office areas, and access roads, and pre-construction activities performed in advance or in support of construction such as logging, clearing, and dewatering. Please be advised that an operator or owner must retain NPDES permit coverage until all disturbance activity, including phased construction, is complete.

Additional ADEM air, land, and/or water permits for discharges and regulated impacts resulting from the operation of the completed facility may be required.

Effective Best Management Practices (BMP's), as provided in the *Alabama Handbook For Erosion Control, Sediment Control, And Stormwater Management On Construction Sites And Urban Areas*, as amended, Alabama Soil and Water Conservation Committee (ASWCC), for prevention and control of nonpoint sources of pollutants must be implemented prior to, during, and after project implementation. Immediately after completion of the project, effective measures to ensure permanent revegetation, cover, and/or effective stormwater quality remediation must be implemented and maintained. The CGP requires that a CBMPP to reduce pollutant discharges to the maximum extent practicable be prepared by a qualified credentialed professional (QCP) as defined in the CGP, and retained onsite. Information regarding construction activities forms, and other helpful information is available on the ADEM WebPage at <http://www.adem.state.al.us/programs/water/constructionstormwater.cnt>

Tennessee River Watershed - In order to determine whether this project should be covered under an existing CWA Section 404, Nationwide, or General Permit, or Letter of Permission, you should contact the U. S. Army Corps of Engineers, Nashville District by mail at PO Box 1070, Nashville, TN 37202-1070 or by phone at (615) 736-5181. Facilities covered under a U.S. Army Corps of Engineers Individual 404 Permit, Nationwide or General Permit, or Letter of Permission must apply for NPDES stormwater coverage from ADEM, if construction or land disturbance above the Ordinary High Water Mark, or any non-dredge/fill operations below the Ordinary High Water Mark and associated upland dredge disposal sites that will equal or exceed one (1) acre or that are part of a larger common plan of development or sale in which disturbed acreage will eventually equal or exceed (1) acre

All Other Alabama Watersheds - In order to determine whether this project should be covered under an existing CWA Section 404, Nationwide, or General Permit, or Letter of Permission, you should contact the U.S. Army Corps of Engineers, Mobile District by mail at PO Box 2288, Mobile, AL 36628-0001 or by phone at (251) 690-2658. Facilities covered under a U.S. Army Corps of Engineers Individual 404 Permit, Nationwide or General Permit, or Letter of Permission must apply for NPDES stormwater coverage from ADEM, if construction or land disturbance above the Ordinary High Water Mark, or any non-dredge/fill operations below the Ordinary High Water Mark and associated upland dredge disposal sites that will equal or exceed one (1) acre or that are part of a larger common plan of development or sale in which disturbed acreage will eventually equal or exceed (1) acre.

ADEM's Coastal Program manages uses and activities having the potential to significantly impact the coastal portions of Alabama and/or its resources. The Coastal Area is comprised of only a portion of Mobile and Baldwin counties and is defined as the lands and waters seaward of the continuous ten-foot contour. ADEM issues Coastal Programs Non-Regulated Use Permits for commercial and residential developments greater than 5 acres in size, construction on Gulf-fronting properties intersected by the Construction Control Line, and groundwater wells that exceed 50 gallons per minute of water withdrawal. ADEM also must certify that permits issued by federal and state agencies, and projects conducted by those agencies, are consistent with the Coastal Program. ADEM accomplishes this by reviewing applications for permits submitted to other agencies. Therefore, it is recommended that applicants having development plans, or even considering development in the Coastal Area, consult with ADEM Coastal Program staff as soon as possible in the project development stage so that the applicant can learn of applicable requirements. Questions involving projects in the coastal area should be directed to the ADEM Coastal Office in Mobile.

You may also wish to contact: (1) the U.S. Fish & Wildlife Service and the Alabama Department of Conservation & Natural Resources. These are the Federal and State agencies, respectively, that have primacy and statutory authority to address potential impacts to endangered or threatened species, (2) the Office of Water Resources, Alabama Department of Economic and Community Affairs, which is the State agency with primacy and statutory authority to address potential water quantity concerns or issues, (3) the State Fire Marshall and the Alabama Department of Industrial Relations which are the State agencies with primacy and statutory authority to address potential safety considerations regarding blasting, (4) the Alabama Department of Industrial Relations which requires permit coverage and reclamation bonding for most non-coal mining sites, (5) the Alabama Historical Commission which is the State agency with primacy and statutory authority to address preservation or potential impacts to surrounding or onsite historical or archaeological sites, (6) your local county health department for issues related to onsite sewage management, and (7) your local municipal or county government, or local zoning and planning agency, if applicable, for additional approvals that may apply to your project.

In recognition that projects are site specific in nature and conditions can change during project implementation, the Department reserves the right to require the submission of additional information or require additional management measures to be implemented, as necessary on a case-by-case basis, in order to ensure the protection of water quality. Responsibility for compliance with ADEM rules and permit requirements are not delegable by contract or otherwise. The operator or owner must ensure compliance. Any violations resulting from the actions of such person may subject the operator/owner to enforcement action.

ADEM permitting decisions are predicated on current regulatory requirements, established engineering standards and technical considerations, best management practices information, and formal administrative procedures in conformance with Departmental regulations and applicable Alabama law. Issuance of permit coverage by ADEM neither precludes nor negates an operator/owner's responsibility or liability to apply for, obtain, or comply with other ADEM, federal, state, or local government permits, certifications, licenses, or other approvals. ADEM permit coverage does not convey any property rights in either real or personal property, or any exclusive privileges, nor does it authorize any injury to persons or property or invasion of other private rights, trespass, or any infringement of Federal, State, or local laws or regulations.

If you have any questions or need additional information regarding construction stormwater permitting, please contact the Water Division in Montgomery at (334) 271-7700 or cswmail@adem.state.al.us

Marcellus C. Kirchner
Director Strategic Planning
(757) 629-2679
(757) 823-5807 FAX

May 17, 2012

State EPA
Directors Office
P.O. Box 301463
Montgomery, AL 36130

RE: Docket No AB-290 (Sub-No. 335X), Norfolk Southern Railway Company -

Abandonment - in Etowah County, Alabama

Dear Sir or Madam:

Norfolk Southern Railway Company is considering the abandonment of 3.10 miles of rail line between Mileposts 2.40 AG and 5.50 AG, and 1.15 miles of rail line between TA 90.30 to TA 91.45, for a total of 4.25 miles of rail line to be abandoned. Both segments are located in the Gadsden area in Etowah County, Alabama. A map is included delineating the area under consideration.

During the removal of track and materials, if any, Norfolk Southern does not anticipate the use of any new access roads, the need to conduct dredging, or the use of fill. Only existing public and private access roads and the Norfolk Southern right of way should be needed to facilitate operations. In addition, the underlying roadbed will not be disturbed. There are four bridges crossing waterways on the line. During the removal of track and materials the bridges may be removed; however, any debris or other material will be removed from the area, preventing any of the material from entering waterways. Norfolk Southern will also take all measures to prevent and/or control the occurrence of spills or of any pollutants from entering surrounding waterways.

Should Norfolk Southern abandon the rail segment, the approval of the Surface Transportation Board is required. In addition, Federal Regulations 49 C.F.R. 1105.7 (9i) and (9iii) require Norfolk Southern to address the following statements:

- (i) "Based on consultation with the State Water quality officials, state whether the proposed action is consistent with applicable Federal, State or local water quality standards. Describe any inconsistencies."
- (iii) State whether permits under Section 402 of the Clean Water Act 33 U.S.C.1342 are required for the proposed action."

Norfolk Southern believes that our actions will be consistent with Federal, State and local water quality standards; however we would appreciate your review and input. In addition, please advise based on the above information if a Section 402 permit under the Clean Water Act.(33 U S C 1342) is required and the individual to be contacted in such case. Please direct your responses and questions to Kearston Comegys at Kearston.Comegys@nscorp.com or mail to:

Kearston Comegys, Coordinator Abandonments
Strategic Planning – 12th Floor
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

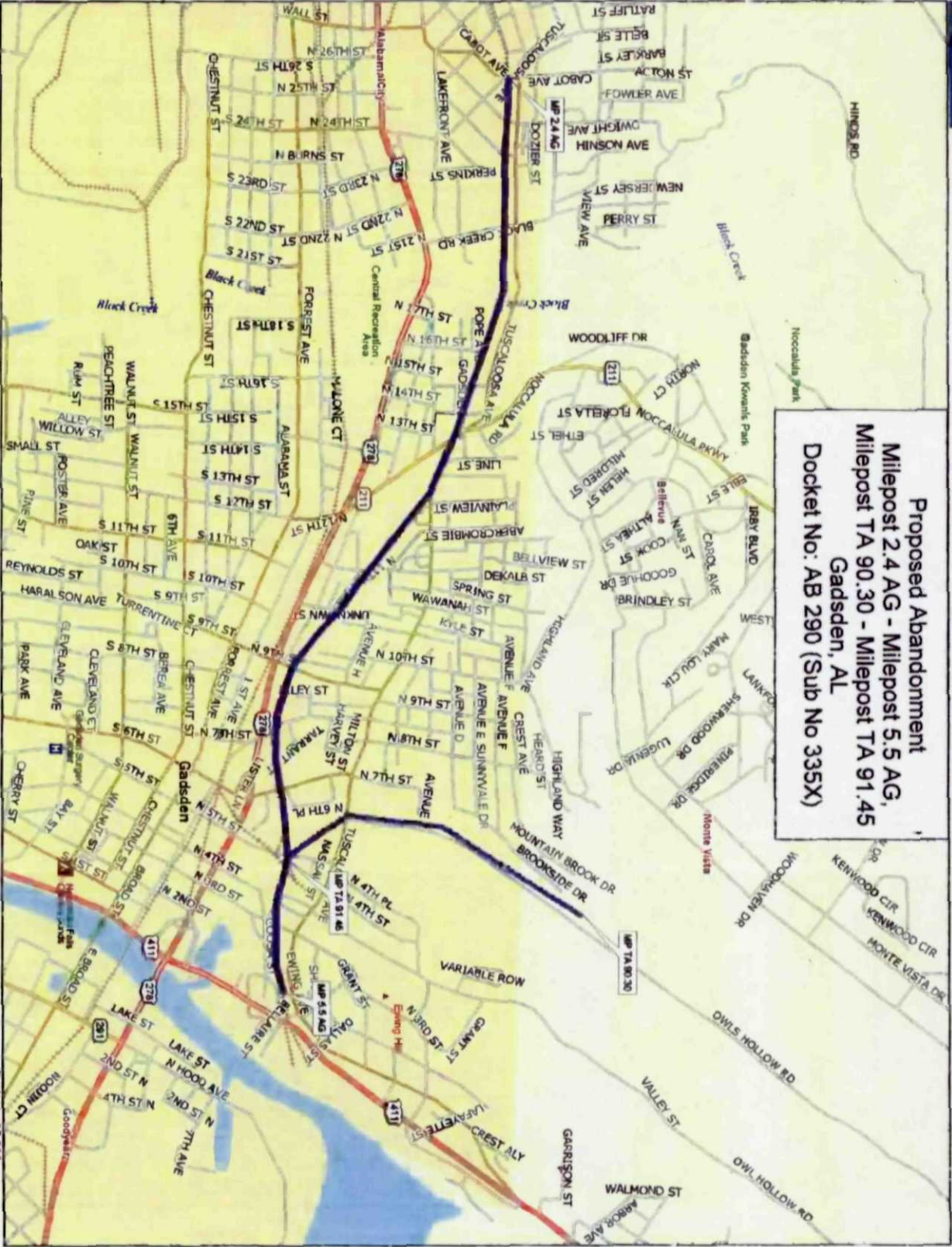
Very truly yours,



Marcellus C. Kirchner

Attachment

Proposed Abandonment
 Milepost 2.4 AG - Milepost 5.5 AG,
 Milepost TA 90.30 - Milepost TA 91.45
 Gadsden, AL
 Docket No: AB 290 (Sub No 335X)



NOTICE OF INTENT - GENERAL PERMIT NUMBER ALR100000

NPDES PERMIT NUMBER ALR100000 IS A GENERAL PERMIT AUTHORIZING DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITIES THAT RESULT IN A TOTAL LAND DISTURBANCE OF ONE ACRE OR GREATER AND SITES LESS THAN ONE ACRE BUT ARE PART OF A LARGER COMMON PLAN OR DEVELOPMENT OR SALE

Mail to: Alabama Department of Environmental Management
Water Division
Post Office Box 301463
Montgomery, Alabama 36130-1463

FOR OFFICE USE ONLY
NPDES PERMIT NUMBER
RECEIPT NUMBER

PLEASE COMPLETE ALL QUESTIONS. RESPOND WITH "N/A" AS APPROPRIATE. INCOMPLETE OR INCORRECT ANSWERS, OR MISSING SIGNATURES WILL DELAY PROCESSING. IF SPACE IS INSUFFICIENT, CONTINUE ON AN ATTACHED SHEET(S) AS NECESSARY. ATTACH CBMP AND OTHER INFORMATION AS NEEDED. PLEASE TYPE OR PRINT LEGIBLY IN INK.

I. PERMITTEE INFORMATION Initial ☐ Modification ☐ Transfer ☐ Renewal ☐ Previous ALR _____

Permittee Name	Responsible Official Phone Number
Responsible Owner/Operator or Official, and Title	Responsible Official E-Mail Address
Responsible Official (RO) Street/Physical Address	City, State, and Zip Code
Responsible Official (RO) Mailing Address	City, State, and Zip Code

II. FACILITY INFORMATION

Facility/Site Name	Facility Contact and Title
Facility Street Address or Location Description	Facility Contact Phone Number
Facility Front Gate Latitude and Longitude	City Zip Code County(s)
Directions to the Site	

III. ACTIVITY DESCRIPTION

Brief Description of Construction / Land disturbance activity(s)
Area of the Permitted site: Total site area in acres _____ Total disturbed area in acres _____

IV. RECEIVING WATERS

List name of receiving water(s), latitude & longitude (decimal or deg,min,sec) of location(s) that run-off enters the receiving water, and the waterbody classification.			
Receiving Water	Latitude	Longitude	Waterbody Classification

V. PRIORITY CONSTRUCTION SITE

Is this a Priority Construction Site? Yes ☐ No ☐ If yes, attach/submit a copy of the CBMPP

VI. FACILITY MAP

Please attach a USGS topographic map showing the location of the Facility including site boundaries

VII. QUALIFIED CREDENTIALLED PROFESSIONAL (QCP) CERTIFICATION

"I certify under penalty of law that a comprehensive Construction Best Management Practices Plan (CBMPP) for the prevention and minimization of all sources of pollution in stormwater and authorized related process wastewater runoff has been prepared under my supervision for this site/activity, and associated regulated areas/activities. The CBMPP meets the requirements of this permit and if properly implemented and maintained by the operator, discharges or pollutants in stormwater runoff can reasonably be expected to be effectively minimized to the maximum extent practicable according to the requirements of ADEM Administrative Code Chapter 335-6-6-23 and this Permit. The CBMPP describes the erosion and sediment control measures that must be fully implemented and regularly maintained as needed at the permitted site in accordance with sound sediment and erosion control practices to ensure the protection of water quality."

QCP Designation/Description. _____

Address _____ Registration / Certification. _____

Name and Title (type or Print) _____ Phone Number _____

Signature _____ Date Signed _____

VIII. OPERATOR - RESPONSIBLE OFFICIAL SIGNATURE

Pursuant to ADEM Administrative Code Rule 335-6-6-.09, this NOI must be signed by a Responsible Official of the permittee who is the operator, owner, the sole proprietor of a sole proprietorship, a general/controllering member or partner, a ranking elected official or other duly authorized representative for a unit of government; or an executive officer of at least the level of vice-president for a corporation, having overall responsibility and decision making for the site/activity. "I certify under penalty of law that this form, the CBMPP, and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the qualified credentialed professional (QCP) and other person or persons who manage the system or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, correct, and complete. I am aware that there are significant penalties for submitting false information including the possibility of fine or imprisonment for knowing violations. I certify that this form has not been altered, and if copied or reproduced, is consistent in format and identical in content to the ADEM approved form. I further certify that the proposed discharges described in this registration have been evaluated for the presence of any non-construction and/or coal/mineral mining stormwater, or process wastewaters have been fully identified."

Name and Title (type or Print) _____ Official Title _____

Signature _____ Date Signed _____

St. Dennis, Kearston Comegys

From: McGhee, Lawrence - NRCS, Auburn, AL <Lawrence McGhee@al.usda.gov>
Sent: Thursday, June 21, 2012 4:12 PM
To: Comegys, Kearston
Cc: Love, Charles - NRCS, Auburn, AL; Walker, Sarah - NRCS, Auburn, AL; Puckett, William - NRCS, AUBURN, AL
Subject: Gadsden Rail Road
Attachments: NSC-Etowah Co docx, NSC-Etowah_County_Alabama pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Categories: unavailable

Attached is a copy of the correspondent we sent out on May 29th in response to the Railroad project in Etowah Co, AL Please reply if additional info is needed.

Lawrence E. McGhee
Assistant State Soil Scientist
3381 Skyway Drive
P O. Box 311
Auburn, AL 36830

334-887-4559

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United States Department of Agriculture



Natural Resources Conservation Service
P O. Box 311
3381 Skyway Drive
Auburn, AL 36830

Telephone (334) 887-4559

May 29, 2012

Kearston Comegys, Coordinator Abandonments
Strategic Planning-12th Floor,
Norfolk Southern Corporation
3 Commercial Place
Norfolk, VA 23510

**RE: Docket No AB-290 (Sub-No. 335X), Norfolk Southern Railway Company-
Abandonment- Etowah County, AL**

Dear Mr Comegys:

Enclosed is soils information for the proposed abandonment of 3 10 miles of rail line located in the city of Gadsden in Etowah County, Alabama. The proposed area does not contain prime farm land soil map units. Additionally, the proposed Rail line is located in the city corporate limits and is exempt and does not contain "prime farmland" under the definition of the Natural Resources Conservation Service nor that of the Departmental Regulation 9500-3.

Please advise if additional information is needed.

Sincerely,

Lawrence E. McGhee
LAWRENCE MCGHEE
Assistant State Soil Scientist

Enclosure

























cc:
Milton Tuck, Resource Soil Scientist, NRCS, Tuscaloosa, AL

Helping People Help the Land

An Equal Opportunity Provider and Employer



MAP LEGEND

	Area of Interest (AOI)		Prime farmland if subsoiled, completely removing the root inhibiting soil layer
	Area of Interest (AOI)		Major Roads
	Soil Map Units		Prime farmland if irrigated and the product of ((soil erodibility) x C (climate factor)) does not exceed 60
	Soil Ratings		Prime farmland if irrigated and reclaimed of excess salts and sodium
	Not prime farmland		Farmland of statewide importance
	All areas are prime farmland		Farmland of local importance
	Prime farmland if drained		Farmland of unique importance
	Prime farmland if protected from flooding or not frequently flooded during the growing season		Not rated or not available
	Prime farmland if irrigated		Political Features
	Prime farmland if drained and either protected from flooding or not frequently flooded during the growing season		Cities
	Prime farmland if irrigated and drained		Water Features
	Prime farmland if irrigated and either protected from flooding or not frequently flooded during the growing season		Streams and Canals
			Transportation
			Rails
			Interstate Highways
			US Routes

MAP INFORMATION

Map Scale: 1:22,700 if printed on A size (8.5" x 11") sheet.
The soil surveys that comprise your AOI were mapped at 1:20,000.
Please rely on the bar scale on each map sheet for accurate map measurements.
Source of Map: Natural Resources Conservation Service
Web Soil Survey URL: <http://websoilsurvey.nrcs.usda.gov>
Coordinate System: UTM Zone 16N NAD83
This product is generated from the USDA-NRCS certified data as of the version date(s) listed below.
Soil Survey Area: Etowah County, Alabama
Survey Area Data: Version 4, Nov 18, 2009
Date(s) aerial images were photographed: 6/15/2006
The orthophoto or other base map on which the soil lines were compiled and digitized probably differs from the background imagery displayed on these maps. As a result, some minor shifting of map unit boundaries may be evident.

Farmland Classification

Farmland Classification—Summary by Map Unit — Etowah County, Alabama (AL055)				
Map unit symbol	Map unit name	Rating	Acres in AOI	Percent of AOI
9	Chewacla silt loam	Not prime farmland	13.0	8.3%
17	Conasauga-Urban land complex, 2 to 15 percent slopes	Not prime farmland	12.2	7.8%
33	Holston-Urban land complex, 2 to 15 percent slopes	Not prime farmland	56.3	36.2%
40	Linker-Townley complex, 15 to 30 percent slopes	Not prime farmland	0.4	0.3%
62	Townley-Leesburg association, steep	Not prime farmland	12.9	8.3%
63	Urban land	Not prime farmland	59.7	38.4%
W	Water	Not prime farmland	0.9	0.6%
Totals for Area of Interest			155.4	100.0%

Description

Farmland classification identifies map units as prime farmland, farmland of statewide importance, farmland of local importance, or unique farmland. It identifies the location and extent of the soils that are best suited to food, feed, fiber, forage, and oilseed crops. NRCS policy and procedures on prime and unique farmlands are published in the "Federal Register," Vol. 43, No. 21, January 31, 1978.

Rating Options

Aggregation Method: No Aggregation Necessary
Tie-break Rule: Lower



St. Dennis, Kearston Comegys

From: Beth Walls <Walls.Beth@epa.gov>
Sent: Friday, May 25, 2012 8:44 AM
To: Comegys, Kearston
Cc: walls.beth@epa.gov, Heinz Mueller
Subject: Docket No. AB-290 (Sub No. 335X), Norfolk Southern Railway Company – Abandonment – in Etowah County, AL

Dear Mr. Comegys,

I am responding on behalf of Heinz Mueller (addressee) regarding Mr. Marcellus Kirchner's May 17, 2012, letter to U.S. EPA, Region 4, requesting EPA's review of the proposed 4.25-mile rail line abandonment project in Gadsden City, Etowah County, Alabama. Mr. Kirchner requested EPA direct our response to you.

According to the above referenced letter, NS is proposing to abandon 3.10 miles of rail line between railway mileposts (MP) 2.40 AG and 5.50 AG and 1.5 miles of rail line between MP TA 90.30 to TA 91.45. The letter indicates the proposed action will not involve new road construction, dredging, nor fill deposition, and the underlying road bed will not be disturbed. The letter indicates four existing bridges crossing waterways may be removed as part of this action. This letter requested EPA's advice as to whether a Clean Water Act (CWA) Section 402 permit would be needed.

The requirement for a CWA permit is triggered by the presence of CWA-defined waters. While the enclosed DeLorme Street Atlas map does not depict the presence of the four above referenced bridges and waterways, it does depict the presence of a larger unnamed surface water body. This unnamed surface water body potentially could be the receiving stream for the waterways referenced above. Thus, there is a potential for CWA-defined waters to be impacted. The letter indicates no direct discharges into CWA-defined waters is anticipated to be associated with the proposed action. For example, the letter indicates any debris or other material associated with the bridge deconstructions will be collected and removed. But, there may be the potential for storm-water related runoff associated with the proposed action to impact CWA-defined waters.

Because EPA has delegated its CWA program implementation to the State of Alabama (Alabama Department of Environmental Management (ADEM)), compliance with ADEM's CWA delegated program is sufficient to meet federal requirements. I recommend contacting ADEM's permitting unit staff; contact information is available at <http://adem.alabama.gov/programs/water/default.cfm>.

Additionally, I would recommend NS also contact the appropriate City of Gadsden department responsible for implementing the Municipal Separate Storm Sewer Systems (MS4) program. The City is required to obtain a MS4 permit from the State. EPA anticipates NS, as a corporate citizen, would be reluctant for any of its activities to possibly cause the City to be unable to comply with its MS4 permit requirements. To obtain a City contact, the ADEM permitting unit staff should be able to guide you as to whether this latter recommendation is necessary.

Sincerely,



Beth Walls
Environmental Scientist,
404-562-8309 & walls.beth@epa.gov
Region 4, NEPA Program Office
Sam Nunn AEC. 61 Forsyth St.,
Atlanta, Ga 30303-8960



ATTACHMENT 2
CONSULTING AGENCY RESPONSES TO
ENVIRONMENTAL AND HISTORIC REPORT
(POST-CIRCULATION)



STATE OF ALABAMA
ALABAMA HISTORICAL COMMISSION
468 SOUTH PERRY STREET
MONTGOMERY, ALABAMA 36130-0900

FRANK W. WHITL
EXECUTIVE DIRECTOR

TEL 334-242-3184
FAX 334-240-3477

December 6, 2012

Marcellus C. Kirchner
Norfolk Southern
Strategic Planning Department
Three Commercial Place
Norfolk, Virginia 23510-9207

Re: AHC 13-0200
STB Docket No. AB-290 (Sub-No. 335X)
STB Docket No. AB-290 (Sub-No. 340X)
Abandonments in Gadsden
Etowah County, Alabama

Dear Mr. Kirchner:

Upon review of the proposed project, we have determined that we shall need more information to continue our review. Please advise us as to how many bridges of the type at Milepost 2.9 and 4.6 still exist in the state and is this a common design. We concur with the remainder of the project.

We appreciate your efforts on this project. Should you have any questions, please contact Joseph Glazar at (334) 230-2653. Please have the AHC tracking number referenced above available and include it with any correspondence.

Truly yours,

A handwritten signature in cursive script, reading "Elizabeth Ann Brown", followed by a horizontal line.

Elizabeth Ann Brown
Deputy State Historic Preservation Officer

EAB/GCR/gcr

**BEFORE THE
SURFACE TRANSPORTATION BOARD
WASHINGTON, DC**

STB Docket No. AB-290 (Sub-No. 335X)

**THE ALABAMA GREAT SOUTHERN RAILROAD COMPANY
– ABANDONMENT EXEMPTION –
IN GADSDEN, ETOWAH COUNTY, ALABAMA**

STB Docket No. AB-290 (Sub-No. 340X)

**TENNESSEE, ALABAMA AND GEORGIA RAILWAY COMPANY
– ABANDONMENT EXEMPTION –
IN GADSDEN, ETOWAH COUNTY, ALABAMA**

JOINT VERIFIED NOTICE OF EXEMPT ABANDONMENT

**DRAFT NOTICE OF EXEMPTION
[CAPTION SUMMARY]**

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[Docket No. AB 290 (Sub-No. 335X) and AB 290 (Sub-No. 340X)]

The Alabama Great Southern Railroad Company—Abandonment Exemption—in Gadsden,

Etowah County, Alabama;

and

Tennessee, Alabama, and Georgia Railway Company—Abandonment Exemption—in Gadsden,

Etowah County, Alabama

The Alabama Great Southern Railroad Company ("AGS"), and Tennessee, Alabama, and Georgia Railway Company ("TAG") – both wholly-owned railroad subsidiaries of Norfolk Southern Railway Company ("NSR") – have filed a verified notice of exemption pursuant to 49 C.F.R. part 1152, subpart F (Exempt Abandonments and Discontinuances of Service and Trackage Rights) to abandon approximately 4.25 miles of interconnected rail line (the "Line") located in Gadsden, Etowah County, Alabama. Specifically, AGS will abandon approximately 3.10 miles of rail line (the "AGS Segment") extending between milepost 2.40 AG (near Cabot Ave. in Gadsden) and milepost 5.50 AG (near the intersection of River and Coosa Streets in Gadsden); and TAG will abandon approximately 1.15 miles of rail line (the "TAG Segment") extending between milepost TA 90.30 (located between the north end of Brookside Drive and Owls Hollow Road in Gadsden) and milepost TA 91.45 (at the TAG Segment's connection with the AGS Segment west of N 5th Street in Gadsden). The Line traverses United States Postal Service Zip Code territories 35901 and 35904.

AGS and TAG have certified as follows: (1) no local traffic has moved over the Line for at least 2 years; (2) there is no overhead traffic on the subject Line (and that any overhead traffic

could be re-routed over other lines in any event); (3) no formal complaint filed by a user of rail service on the Line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 C.F.R. § 1105.7(c) (environmental report), 49 C.F.R. § 1105.11 (transmittal letter), 49 C.F.R. § 1105.12 (newspaper publication), and 49 C.F.R. § 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Fifth & Ammon, in Bingham & Bonneville Counties, Idaho, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. § 10502(d) must be filed

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on April 4, 2013, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 C.F.R. § 1152.27(c)(2),³ and trail use/rail banking requests under 49 C.F.R. § 1152.29 must be filed by _____, 2013. Petitions to reopen or requests for public use conditions under 49 C.F.R. § 1152.28 must be filed by _____, 2013, with the Surface Transportation Board, 395 E Street, S.W., Washington, DC 20423-0001.

² The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Office of Environmental Analysis (OEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Serv. Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

³ Each OFA must be accompanied by the filing fee, which is currently set at \$1,500. See 49 C.F.R. § 1002.2(f)(25).

A copy of any petition filed with the Board should be sent to representative of AGS and TAG. Robert A. Wimbish, Baker & Miller PLLC, 2401 Pennsylvania Ave., NW, Suite 300, Washington, DC 20037

If the verified notice contains false or misleading information, the exemption is void ab initio

AGS and TAG have filed a combined environmental and historic report which addresses the effects, if any, of the abandonment on the environment and historic resources. OEA will issue an environmental assessment (EA) by _____, 2013. Interested persons may obtain a copy of the EA by writing to OEA (Room 1100, Surface Transportation Board, Washington, DC 20423-0001) or by calling OEA at (202) 245-0305. Assistance for the hearing impaired is available through the Federal Information Relay Service (FIRS) at 1-800-877-8339. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision

Pursuant to the provisions of 49 C.F.R. § 1152.29(c)(2), AGS and TAG shall file a notice of consummation with the Board to signify that each has exercised the authority granted and fully abandoned its respective segment of the Line. If consummation has not been effected by the filing of a notice of consummation by _____, 2014, and there are no legal or regulatory barriers to consummation, the authority to abandon accorded to AGS and TAG will automatically expire.

Board decisions and notices are available on our website at “WWW.STB.DOT.GOV.”

Decided: _____, 2013.

By the Board. Rachel D Campbell, Director, Office of Proceedings